

U.S. Department of Justice

*United States Attorney
Eastern District of New York*

NMA/SEF

*271 Cadman Plaza East
Brooklyn, New York 11201*

February 15, 2012

By ECF

Ronald Fischetti, Esq.
Phyllis A. Malgieri, Esq.
747 Third Avenue, 20th Floor
New York, NY 10017

Re: United States v. Badalamenti, et. al
Criminal Docket No. 12-050 (S-1) (CBA)

Dear Counsel:

The government writes in response to your February 10, 2012 letter requesting material discoverable pursuant to Brady, Giglio and their progeny. The government is aware of and will continue to comply with its Brady obligations. As to your request for impeachment material, while it is well settled that impeachment material regarding government witnesses need not be disclosed prior to trial, see United States v. Nixon, 418 U.S. 683, 701 (1974), the government intends to provide you with such materials in advance of trial. However, at this time - one week after the first status conference in the above-captioned matter and prior to any trial date being set - your request for impeachment material is premature and not supported by legal authority, including by the authorities cited in your letter.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: /s/
Nicole M. Argentieri
Stephen E. Frank
Kristin Mace
Assistant U.S. Attorneys

cc: Defense counsel (by ECF)